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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

**IN RE: INCRETIN-BASED
THERAPIES PRODUCTS
LIABILITY LITIGATION**

Relates to: ALL CASES

**Master File No.: 3:13-md-02452-AJB-MDD
MDL – 2452**

**PLAINTIFFS' MOTION TO FILE
PLAINTIFFS' MEMORANDUM IN
OPPOSITION TO DEFENDANTS'
MOTIONS TO DISQUALIFY DR.
ALEXANDER FLEMING AND CERTAIN
SUPPORTING EXHIBITS UNDER SEAL**

Case No. 13-md-02452-AJB-MDD

**PLAINTIFFS' MOTION TO FILE PLAINTIFFS' MEMORANDUM IN OPPOSITION TO DEFENDANTS' MOTIONS TO
DISQUALIFY DR. ALEXANDER FLEMING AND CERTAIN SUPPORTING EXHIBITS UNDER SEAL**

1 Pursuant to CivLR 79.2(b), ECF Administrative Policies and Procedures 2(j), and
2 the Honorable Anthony J. Battaglia's Civil Case Procedures Section IV, Plaintiffs
3 respectfully request an Order to file their Memorandum in Opposition to Defendants'
4 Motions to Disqualify Dr. Alexander Fleming and certain supporting exhibits under seal.
5 Pursuant to section 11(a) of the Amended Protective Order (Dkt. No. 564), Plaintiffs file
6 this Motion to briefly state their position regarding confidentiality.

7 While Plaintiffs do not agree that Defendants can meet the "good cause" standard
8 for a motion to seal as required under the Protective Order, in light of the Court's prior
9 rulings on confidentiality matters, and in light of Defendants' offer to stipulate to
10 Plaintiffs' filing under seal, Plaintiffs seek leave to file the following documents under
11 seal: Plaintiffs' Memorandum in Opposition to Defendants' Motions to Disqualify Dr.
12 Alexander Fleming; the Declaration of G. Alexander Fleming, M.D., In Response to
13 Defendants' Motions to Disqualify; and the Expert Report of Dr. Alexander Fleming
14 (Exhibit A to his Declaration).

15 For the reasons set forth above, Plaintiffs request an Order allowing the filing of
16 Plaintiffs' Memorandum in Opposition to Defendants' Motions to Disqualify Dr.
17 Alexander Fleming, the Declaration of G. Alexander Fleming, M.D., In Response to
18 Defendants' Motions to Disqualify; and the Expert Report of Dr. Alexander Fleming
19 (Exhibit A to his Declaration) under seal.

20 DATED: February 11, 2015

PLAINTIFFS' COUNSEL

21 s/ Michael K. Johnson

22 Michael K. Johnson

23 Attorney for Plaintiffs
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s/Michael K. Johnson
Michael K. Johnson
Attorney for Plaintiffs